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May 5, 1976

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MANAGEMENT AUDIT REPORT DISTRICT ATTORNEY

On October 21, 1975, your Board, in response to the expressed request of the newly appointed District Attorney, instructed the CAO to conduct a management audit of the Office of the District Attorney and report the findings as soon as possible. The District Attorney requested this report to fulfill his stated intention to do everything necessary to operate the office for the citizens of this County in as effective and efficient manner as possible.

The management audit was conducted during a transition period from the administration of one District Attorney to another. At the outset it was agreed that the new District Attorney should institute whatever organizational and program changes he deemed necessary to the effective administration of his office. As a result, many of the findings of the management audit reflect the status of the District Attorney's Office prior to the present incumbent's administration. The outline of the recommendations contained in this audit report was presented to the District Attorney in mid-December and a number have been initiated already. Wherever possible, these implementations are noted in the body of the report.

Departmental Participation

The District Attorney made the resources of his office available to assist the members of the audit team in every way possible.

In concert with the audit team and members of his executive staff, the District Attorney immediately began to identify management problems and seek changes which would improve the effectiveness of his office. Some of the program and organizational improvements initiated during the period of the audit include:

- The staff reorganization of the central Complaints Division which files more than one-third of all felony cases charged by the District Attorney's Office. The changes tighten up procedures used in filing criminal charges in order to make the entire criminal justice system more effective in pursuit of its obligation to have a substantial impact on felony crime. These changes are also designed to reduce the pressures that lead to indiscriminate plea bargaining.
- The implementation of recommended changes in the Child Support program including establishment of a single Bureau to administer the program, initiation of a special projects group to convert voluntary agreements to court ordered agreements, assumption of the responsibility for all process serving, initiation of efforts to develop procedures for serving certain types of process by mail, and improvement in statistical reporting.
- The development of new procedures for the prosecution of rape cases which will enable one attorney to be responsible for a case from the complaint stage through the trial.
- The establishment of a small independent unit to give priority attention to the investigation and prosecution of nursing home abuses.
- The service of warrants on 500 fathers who were delinquent in Child Support payments.
- The initiation of the publication of the Departmental Operations Manual and the development of a search warrant manual.
- The reduction of the out-of-County distribution of the Law Enforcement and Legal Information Bulletin, thereby reducing County costs.
- The significant modification and strengthening of the administration of performance evaluations, appraisals of promotability, and professional examination content.
- The focusing of greater attention on legislative and affirmative action matters by placing them under the direction of the Assistant District Attorney, and the promulgation of affirmative action goals.
- The reassignment of several key staff members to take advantage of their exceptional abilities in a number of important areas.

- The unification of administrative support services, which had been dispersed among several units, into a single organization under new leadership.
- The relocation of supervision and control over the Special Investigations Division, which investigates alleged official misconduct, to the District Attorney.
- The assignment of the bail bond review function to Branch and Area operations under the direction of the Assistant District Attorney.
- The restructuring of departmental communications and policy formulation procedures to take full advantage of staff capabilities.

Audit Purpose and Method

The audit was designed to study departmental administration and management practices, including a review and evaluation of departmental objectives, financial resources and management, planning, organizational structure, administrative functions and staffing. No attempt to conduct a study of prosecution policies was intended.

The audit team observed the diverse operations of the department and conducted more than 300 interviews with staff members housed in over 55 locations in the County. The entire effort was directed toward gaining that information which was essential for developing a comprehensive understanding of the department's policies and practices. As appropriate, the assistance of the Department of Personnel and the Auditor-Controller was enlisted.

Approval of the audit recommendations will be instrumental in assisting the District Attorney to manage his department effectively.

Findings and Recommendations

Three fundamental conclusions were reached by the audit team:

- The District Attorney's Office may be credited with making every effort to provide a full range of prosecutorial services for the People of Los Angeles County.
- The District Attorney's Office needs to better formulate the management policies and procedures necessary to administer effectively and to control the activities of the department.

-- The District Attorney's Office needs to relieve some attorneys of non-legal administrative functions.

Reorganization of the Bureau of Special Operations

The Bureau of Special Operations, as currently constituted, consists of an array of divisions and sections with a diversity of purposes.

The proposed reorganization will transfer the departmental administrative activities into a separate Bureau as was accomplished recently with the child support activities. Those functions which remain in the Bureau of Special Operations will be unique areas of law requiring attorneys with particular training and expertise in various specialties. Examples include organized crime and narcotics, program planning, juvenile law, major frauds, consumer protection, appellate review, and medically related issues.

Establishment of a Bureau of Child Support

The child support program -- the mandate to determine paternity and to secure and enforce the obligation of non-custodial parents to support their children -- until recently has been divided functionally between two Bureaus of the District Attorney's Office. The Bureau of Investigation administered the regional offices which are responsible for the initial interview with custodial parents, location of absent parents and preparation of support documents. The Civil Litigation Division in the Bureau of Special Operations followed up on all legal actions and the enforcement of support orders, and exercised operational jurisdiction over the regional offices.

In February of this year, the District Attorney merged various elements of the child support program into a single Bureau of Child Support. Additional organizational and procedural arrangements need to be accomplished to create the necessary continuity of administration and cohesiveness of program development. The Bureau should be organized into four divisions: the Regional Services Division which will continue to interview parents, obtain support agreements and forward the documents for legal action; the Legal Services Division which would handle all legal actions -- paternity, support orders, enforcement, special remedies, URESA; the Central Services Division comprised of clerical support staff for the Legal Division and maintenance of central caseloads and files; and the Investigation Division which will process warrants, pursue investigative needs for the Bureau, handle special assignments, and serve process.

Child Support Administrators

Under the Bureau of Investigation, the Regional Child Support Offices have been administered by personnel with peace officer status. With the change in legislation which pursues child support as a civil matter and diminishes the use of criminal procedures, it becomes appropriate to establish a civilian administrator classification series. The District Attorney should work with the Department of Personnel to effect the change. Similarly, there is a diminishing need for peace officer investigators in child support and the department should work to phase out substantial numbers of sworn personnel. In the interim, there are serious backlogs of allied duties which can be discharged by these personnel.

Improvement in the Process Serving Function

The current utilization of District Attorney Investigators who are process servers is not efficient. Firstly, in their efforts to assure the presence of witnesses in court, the process servers spend a substantial amount of their time on the telephone reminding witnesses to appear and answering inquiries regarding procedures. Civilian staff should be used for this office-type work to free up the investigators for the service of process in other areas.

Secondly, the number of documents which must be served in child support programs is well into the thousands, and with emphasis now being placed on civil procedures for child support, the volume is expected to increase. This volume, combined with the fact that many of the documents to be served are to people who are cooperative, indicates that all initial service in child support should be made by mail.

Thirdly, with the child support program being largely a civil matter, the use of sworn personnel to serve process on the cases is considered inappropriate. The District Attorney should request the Department of Personnel to reclassify to civilian items, as they become vacant, the District Attorney Investigator I positions which serve process in child support. In addition, both the criminal and civil process serving functions should be made the object of a systems and work measurement study.

Central Trial Operations

The District Attorney has already moved to strengthen the department's complaint filing function through a staff reorganization and a tightening of filing standards. The effort will contribute to the filing of cases which are better investigated and more appropriately charged.

The audit report recommends a reorganization of the central Preliminary Hearings Division through the assignment of more experienced attorneys. It further recommends the establishment of a special trials unit for those cases which require an inordinate amount of time for trial. At present, the department must assign these types of cases to calendar deputies in the Superior Court and to others of its senior staff managers. The department can ill afford to remove such personnel from their regular assignments for lengthy periods.

The audit further recommends that central investigation be reorganized into attorney-investigator teams to strengthen investigative support in central trials.

Program Planning

The audit identified the need to establish planning goals and develop a clearer sense of direction.

The District Attorney has recognized the need both to bolster departmental planning and to anticipate the impact of changing developments on the administration of justice by a recent reorganization of the Planning and Training Division.

The audit report recasts this division into one which concentrates on planning, manual preparation, and the development of professional training standards by both strengthening staffing and transferring logistical support activities to more appropriate units.

Modification in the Juvenile Proceedings

The juvenile justice system is experiencing extensive changes in both policy and operational procedures. The system is complex and involves the coordinated effort between numerous agencies. The District Attorney, while being expected to prosecute the cases, must depend upon the Probation Department to determine the need to file a petition, establish a violation of the Code at the hearing and recommend to the court a plan for rehabilitation. The dependence is often incompatible with the District Attorney's philosophy regarding the prosecution of crime and the protection of society. In order to strengthen the District Attorney's position in this procedure, the County should support legislation which would give the District Attorney a statutory role in juvenile court proceedings.

Generally, the investigation of juvenile cases by law enforcement agencies has not kept pace with the increased complexity of the adjudication proceedings. The audit report recommends the assignment of District Attorney Investigators to the Juvenile Division for pre-adjudication investigation of the most serious cases.

Administrative Services

The Department's administrative support services currently are directed by attorneys and sworn personnel diffused among several Bureaus and Divisions. Consequently, some activities are duplicated while others are not receiving adequate attention. In addition, the dispersion of line level specialty staff provides administrative staff with only generalized supervision, instead of expert guidance.

With the establishment of a Bureau of Administrative Services, support services for the District Attorney would be located in one centralized operation which has as its primary goal the provision of an effectively coordinated and well directed administrative organization. The proposed new Bureau will have three divisions, each with its own specialty.

The Personnel and Training Division will assume the responsibility for a) a comprehensive personnel program encompassing recruitment, affirmative action, performance evaluation, appraisal of promotability, grievance proceedings, and item control; b) payroll functions; and c) department-wide training programs.

The Management Services Division will administer budget control and justification, be responsible for fiscal, accounting and claiming matters, facilities planning and a whole range of general support services.

The Program Evaluation and Systems Division will administer the management information system, PROMIS and ACSES, analyze and evaluate program effectiveness and achievements, and conduct systems and work measurement studies to assist in the processing of work.

Training

The Department needs an effective training program for all classifications of personnel. The audit report recommends training programs be developed for all personnel classifications and that attendance at training sessions be encouraged vigorously and considered in evaluating promotability. In addition, the initial attorney training program should be strengthened by including courtroom experience at preliminary hearings closely supervised by seasoned deputy district attorneys. In addition, a management development program should be created to strengthen the entire operation.

Branches and Areas

Branch and Area Offices frequently are assigned "run deputies" as back-up for vacation and sick relief, workload increases and other problems in the municipal courts. The audit report found the "run deputy" program to be inefficient and unproductive, and recommends that it be abolished and the positions be transferred to branch and area offices.

Rand Report

In ordering my office to undertake this management audit of the District Attorney Department, the Board took note of the 1973 study of the criminal justice system by the Rand Corporation. You ordered my office to determine to what extent the recommendations of that study had been implemented by the District Attorney.

The Rand Report addresses the concept of fundamental fairness to the defendant in the criminal justice system as it is manifested through the efforts of all segments of that system--law enforcement, prosecutors, defenders and courts.

To ensure that fairness is occurring in the system requires a monitoring system which permits a complete scrutiny of actions taken on individual cases by each agency in the system. Following issuance of the Rand Report, the District Attorney initiated steps to develop such a monitoring system. This Prosecutor's Management Information System (PROMIS) is now being installed and is planned to be operational by December 1976. As case information is included in the system and a data file is accumulated, it will become possible to evaluate and make comparisons concerning the fundamental fairness of segments of the justice system.

The department believes availability of this data will enable it, the judiciary and the legal profession to assess the need for changes in the justice system which were suggested in the Rand Report.

In the meantime, the District Attorney has initiated several new procedures in response to specific recommendations in the Rand Report:

- To insure consistency in the application of criminal justice, the District Attorney participated in the writing of the Uniform Crime Charging Standards manual, published in 1974, which is now used throughout the department. It has inhibited overcharging and has tended to decrease plea bargaining.
- Prior to the Rand Report, the District Attorney usually filed as a felony any case where the evidence supported the charge. Subsequent to the Rand Report, the District Attorney altered that policy to conform to the Uniform Crime Charging standards, which states that an alternative felony/misdemeanor should be prosecuted as a misdemeanor if the

prosecutor believes a misdemeanor sentence is warranted under all the circumstances. This enables the District Attorney to spend his time on more serious crimes while referring cases to city attorneys or deputy district attorneys in municipal courts.

- The District Attorney has curtailed the former practice of sometimes submitting cases to the judge for decision based upon his review of the transcript of the preliminary hearing. It is believed that more appropriate results are obtained for The People if all the evidence is developed in the course of a regular trial proceeding with live witnesses.
- The District Attorney has also issued a policy statement curtailing "sentence bargaining"--a practice which by and large worked more for the benefit of the defense than for The People.

Items for Future Study

As a part of our study effort, we have identified several areas within the District Attorney's Office and within other elements of the criminal justice system where further study efforts are needed and would be productive. These are listed at page 131 of the attached report. Key among these is the development of criteria for assignment and staffing of attorney personnel to courts. At present, budget yardsticks call for three attorneys for each Superior Court and one for each Municipal Court. In practice, because of specialized work assigned to some courts and because of the differing methods of case calendaring used by the various courts, this pool of attorney resource is used much differently from the budget allocation.

We intend to work with the District Attorney in the months ahead to develop a detailed work scheduling and assignment plan employing work measurement techniques which takes into account the varying workload requirements of each of the courts. The major data collection effort involved in this undertaking will be facilitated by the capabilities of PROMIS as discussed above.

Summary

As the audit progressed, numerous conferences were held with the District Attorney and members of the Executive Staff regarding the findings and proposed recommendations. Upon completion of the audit, the report was discussed fully with the District Attorney who concurs with the recommendations.

Approval of this report will result in deletion and addition of a number of positions with a net increase of 11 which are fully financed at no additional cost in 1976-77. Implementation of the audit recommendations will result in a cost reduction of \$312,579 in 1977-78, and \$355,588 in 1978-79, and annually thereafter. Other improvements recommended in this report will relieve attorneys from much of their involvement in non-legal matters and thus substantially improve the cost benefit from existing staff as well as diminishing future need for attorney staff increases.

THEREFORE, IT IS RECOMMENDED THAT YOUR BOARD:

1. Request the District Attorney to implement the recommendations in the audit report and to submit a report quarterly detailing the progress being made.
2. Instruct named County departments to assist the District Attorney in implementing the recommendations as requested.
3. Instruct the CAO to continue to work with the department on long-range problems and to monitor the progress being made toward implementation of the audit recommendations.

Very truly yours,

Harry L. Hufford

HARRY L. HUFFORD
Chief Administrative Officer

HLH:DRS
CAN:ba

Attachment

cc: Each Supervisor
County Counsel
Affected Departments

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